

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

VICKI PYLANT, ET AL

CIVIL ACTION NO. 14-cv-3432

VERSUS

JUDGE FOOTE

HONEYWELL INTERNATIONAL,
INC. ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER


Plaintiffs filed this civil action against several defendants, who removed the case based on an assertion of diversity jurisdiction. Defendants acknowledged that Plaintiffs and defendant Vernon Chance are Louisiana citizens, which would destroy diversity, but Defendants asserted that the citizenship of Chance should be ignored pursuant to the improper joinder doctrine, which is outlined in Smallwood v. Illinois Central RR Co., 385 F.3d 568 (5th Cir. 2004). Plaintiffs have not challenged the improper joinder plea, but the court is obligated to determine subject matter jurisdiction, including whether a party is improperly joined, on its own initiative. Gasch v. Haertford Acc & Indem. Co. 491 F.3rd 278, 281 (5th Cir. 2007).

If Plaintiffs contests the assertion that Vernon Chance was improperly joined, they must file a motion to remand, supported by a memorandum, by **January 20, 2015** and explain why there is a reasonable basis to predict that state law would allow Plaintiffs to recover against Chance. If Plaintiffs timely file a motion to remand, it will be noticed for

briefing so that the Defendants can respond and attempt to meet their burden on the improper joinder issue.

If Plaintiffs do not timely file a motion to remand and challenge the improper joinder plea, the court will consider Plaintiffs to concede the point, Vernon Chance will be dismissed, and the court will set a scheduling conference.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 15th day of December, 2014.



Mark L. Hornsby
U.S. Magistrate Judge